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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,484	01/31/2002	Paul Finster		3533

7590 02/22/2008
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EXAMINER

INGVOLDSTAD, BENNETT

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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02/22/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/066,484	Applicant(s) FINSTER ET AL.	
	Examiner Bennett Ingvaldstad	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/19/2002</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 4, 7, 9, 13, 16, and 23-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Bayrakeri (US 6904610).

Regarding claim 1, Bayrakeri discloses a method for generating a cell within an electronic programming guide grid (custom program guide comprising cells [col. 8, l. 28-30], generated at a server [col. 2, l. 33-45]); the method comprising:

- identifying a client associated with the electronic programming guide grid (a viewer who desires a custom program guide [col. 2, l. 20-25]);
- retrieving a format string associated with the client (formatting indicating e.g. which channels to include in the program guide is received from the client [col. 2, l. 33-45] and retrieved by the graphics generation unit [col. 5,

- l. 1-12] to generate a customized program guide, formatting data may be considered a "string" e.g. a binary string);
- retrieving a plurality of TV listings data items (the custom program guide is filled in with the selected TV listings indicated by the formatting data [col. 2, l. 37-45], so the listings data is retrieved);
 - identifying the matching data items in the plurality of TV listings data items, wherein the matching data items comprise at least one of the plurality of TV listings data items that correspond to the retrieved format string (the custom program guide is filled in with the selected TV listings data [col. 2, l. 37-45], so the matching listings are identified); and
 - generating the cell using the matching data items (the custom program guide is rendered and filled in with the selected TV listings data [col. 2, l. 37-45])

Regarding claim 16, Bayrakeri discloses a device for generating a grid for an electronic programming guide, the device comprising:

- an electronic programming guide grid generator (graphics formatter 128 [Fig. 1], which is a component of graphics generation/storage unit 108);
- a TV listings data module connected to the electronic programming guide generator (graphics storage 124 [Fig. 1], program guide graphics include listings [eg Fig 3A]); and

- a presentation module connected to the electronic programming guide grid generator (graphics server 126 [Fig. 1] presents the program guide to the compositor for delivery to client [col. 5, l. 5-12])

Regarding claim 23, Bayrakeri discloses a system for generating a cell within an electronic programming guide grid (custom program guide comprising cells [col. 8, l. 28-30] is generated at a server [col. 2, l. 33-45]); the system comprising:

- means for identifying a client associated with the electronic programming guide grid (a viewer who desires a custom program guide [col. 2, l. 20-25] is identified so that the program guide may be sent to the viewer);
- means for retrieving a format string associated with the client (formatting indicating e.g. which channels to include in the program guide is received from the client [col. 2, l. 33-45] and retrieved by the graphics generation unit [col. 5, l. 1-12] to generate a customized program guide, formatting data may be considered a "string" e.g. a binary string);
- means for retrieving a plurality of TV listings data items (the custom program guide is filled in with the selected TV listings data [col. 2, l. 37-45], so the data is retrieved);
- means for identifying the matching data items in the plurality of TV listings data items, wherein the matching data items comprise at least one of the plurality of TV listings data items that correspond to the retrieved format string (the custom program guide is filled in with the selected TV listings

indicated by the formatting data [col. 2, l. 37-45], so the matching listings are identified); and

- means for generating the cell using the matching data items (the custom program guide is rendered and filled in with the selected TV listings data [col. 2, l. 37-45])

Regarding claim 24, Bayrakeri discloses a method for generating a cell within an electronic programming guide grid; the method comprising:

- retrieving a format string (formatting indicating e.g. which channels to include in the program guide is received from the client [col. 2, l. 33-45] and retrieved by the graphics generation unit [col. 5, l. 1-12] to generate a customized program guide, formatting data may be considered a “string” e.g. a binary string);
- retrieving a plurality of TV listings data items (the custom program guide is filled in with the selected TV listings data [col. 2, l. 37-45], so the data is retrieved);
- identifying the matching data items in the plurality of TV listings data items, wherein the matching data items comprise at least one of the plurality of TV listings data items that correspond to the retrieved format string (the custom program guide is filled in with the selected TV listings indicated by the formatting data [col. 2, l. 37-45], so the matching listings are identified); and

- generating the cell using the matching data items (the custom program guide is rendered and filled in with the selected TV listings data [col. 2, l. 37-45])

Regarding claim 25, Bayrakeri further discloses a method for generating a cell within an electronic programming guide grid; the method comprising:

- retrieving a format string (formatting indicating e.g. which channels to include in the program guide is received from the client [col. 2, l. 33-45] and retrieved by the graphics generation unit [col. 5, l. 1-12] to generate a customized program guide, formatting data may be considered a “string” e.g. a binary string);
- identifying a plurality of matching data items in a plurality of TV listings data items, wherein the plurality of matching data items comprise at least one of the plurality of TV listings data items that correspond to the retrieved format string (the custom program guide is filled in with the selected TV listings indicated by the formatting data [col. 2, l. 37-45], so the matching listings are identified);
- retrieving the identified plurality of matching data items (the matching listings data must be retrieved from the database and formatted as graphics [col. 5, l. 3-12]); and

- generating the cell using the matching data items (the custom program guide is rendered and filled in with the selected TV listings data [col. 2, l. 37-45])

Regarding claim 4, depending on claim 1, Bayrakeri further discloses wherein the format string comprises:

- data identifiers and format indicators (selections of a set of channels [col. 2, l. 34-36] are data identifiers and commands indicating where to overlay the program guide [col. 2, l. 41-45] are format indicators)

Regarding claim 7, depending on claim 1, Bayrakeri further discloses:

- receiving a request to generate an electronic programming guide grid (the server receives a request to generate a program guide from a user [col. 2, l. 33-45])

Regarding claim 9, depending on claim 1, Bayrakeri further discloses:

- identifying a TV listings data set associated with the client (the selected TV listings are received by the server from the client [col. 2, l. 33-45])

Regarding claim 13, depending on claim 1, Bayrakeri further discloses:

- generating a display structure for the cell (video information representative of the program guide objects is generated by the server [col. 7, l. 26-29]); and
- inserting the matching data items into the display structure for the cell (graphical text information, which includes matching program guide listings [col. 2, l. 32-45], is included in the program guide generated by the server [col. 7, l. 26-29])

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bayrakeri (US 6904610).

Regarding claim 14, depending on claim 1, Bayrakeri further discloses:

- executing grid generation code (program guide graphical information is produced by the UI graphics generation unit [col. 5, l. 3-12])

Bayrakeri does not specifically further disclose that variables within the grid generation code are populated with matching data items.

Official Notice is taken that it was a well-known technique to populate variables in a user interface code with matching data items.

Therefore the technique of populating variables in a program guide user interface code (code used to generate program guide graphics [col. 5, l. 3-12]) with matching data items (the matching listings data [col. 2, l. 33-44]) would have been obvious to try due to its well-known nature for the purpose of generating a user interface containing matching data items.

5. Claims 2, 3, 5, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bayrakeri (US 6904610) in view of the applicant's admitted prior art.

Regarding claim 2, depending on claim 1, Bayrakeri does not further disclose wherein the client comprises a cable provider.

Instant application's specification discloses that it was well known for an EPG provider to provide customized EPGs to cable provider clients ([0005]).

Therefore it would have been obvious to one of ordinary skill in the art to modify the customized EPG generator disclosed by Bayrakeri to generate custom EPGs for cable providers instead of users for the purpose of providing customized EPGs to cable providers that do not generate their own EPGs ([0005])

Regarding claim 3, depending on claim 1, Bayrakeri does not further disclose wherein the client comprises a web site host.

Instant application's specification discloses that it was well known for an EPG provider to provide customized EPGs to web site hosts ([0005]).

Therefore it would have been obvious to one of ordinary skill in the art to modify the customized EPG generator disclosed by Bayrakeri to generate custom EPGs for web site hosts instead of users for the purpose of providing customized EPGs to web sites that do not generate their own EPGs ([0005])

Claim 5, depending on claim 4, is rejected in view of the claim 2 rejection as obvious wherein Bayrakeri discloses that the choice of color should be determined by the cable provider headend ([col. 7, l. 31-33]). Therefore it would have been obvious to one of ordinary skill to modify the system as disclosed in the claim 2 rejection so that the cable provider client can provide color indicators in the format string sent to the EPG provider for the purpose of allowing the cable provider headend to choose colors for the customized program guide ([col. 7, l. 30-33])

Claim 11, depending on claim 9, is rejected in view of the claim 2 rejection as obvious wherein it would have been obvious to one of ordinary skill to categorize TV listings sets by cable provider for the purpose of the EPG provider providing only relevant channel listings to cable provider clients ([claim 2 rejection])

6. Claims 6, 8, 12, and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bayrakeri (US 6904610) in view of Ellis (US 6898762).

Regarding claim 6, depending on claim 1, Bayrakeri does not disclose that the format string is stored at the headend (the formatting is received at the headend [col. 2, l. 33-45])

Ellis discloses that it is well known to store user formatting data at the server in a client-server EPG system (user profile data stored at the headend is used to customize an EPG [col. 2, l. 16-29]).

Therefore it would have been obvious to one of ordinary skill in the art to modify the program guide server disclosed by Bayrakeri to store user formatting data at the server separately from listings data as disclosed by Ellis for the purpose of generating custom program guides while minimizing transmissions from the user, thereby conserving bandwidth ([Ellis col. 2, l. 16-29]).

Regarding claim 8, depending on claim 7, Bayrakeri does not further disclose "receiving a request from an automatic scheduler."

Ellis discloses a client-server program guide wherein a server may provide viewing recommendations based on user information ([col. 2, l. 47-59]).

It would have been obvious to one of ordinary skill in the art to modify Bayrakeri's client with the teaching of Ellis in order to provide viewing

recommendations to the user. It then would have been obvious to provide an automatic scheduler for the purpose of automatically making requests for custom program guides in order to provide timely viewing recommendations to the user without input from the user.

Regarding claim 12, depending on claim 1, Bayrakeri does not further disclose wherein the format string comprises "a link to an executable action item."

Ellis discloses a client-server program guide wherein format information contains "a link to an executable action item" (the client device may use remote procedure calls, which link to executable procedures on the server [col. 6, l. 56-59])

It would have been obvious to one of ordinary skill to modify the client-server program guide disclosed by Bayrakeri to be able to invoke server procedures remotely from the client as taught by Ellis in order to give the client closer interoperability with the server of the customized program guide ([Ellis col. 6, l. 51-68]), thus enabling additional control over the customized program guide.

Regarding claim 19, depending on claim 16, Bayrakeri further discloses that format strings are received at the presentation module (graphics server 126 [Fig. 1]) at the time of customization ([col. 2, l. 33-44]).

Bayrakeri does not disclose that the presentation module comprises "a format string module comprising a plurality of format strings."

Ellis discloses that it is well known to store user formatting strings at the server in a client-server EPG system (user profile data stored at the headend is used to customize an EPG [col. 2, l. 16-29])

Therefore it would have been obvious to one of ordinary skill in the art to modify the program guide server disclosed by Bayrakeri to store user formatting strings at the server as disclosed by Ellis in a format string module separate from listings data for the purpose of generating custom program guides while minimizing transmissions from the user, thereby conserving bandwidth ([Ellis col. 2, l. 16-29]).

Regarding claim 20, depending on claim 19, Bayrakeri further discloses wherein the presentation module comprises:

- a conditional action module configured to execute actions responsive to a processed one of the plurality of format strings including an executable action indicator (graphics generation unit 108 [Fig 1] conditionally executes actions that generate a customized program guide ([col. 5, 1-12]) based on format client format strings [col. 2, l. 33-44])

Regarding claim 21, depending on claim 19, Bayrakeri further discloses wherein the presentation module comprises:

- a mapping module (the formatting information includes selected channels for display in the program guide [col. 2, l. 33-44], therefore the formatting is mapped to the selected channel listings)

7. Claims 10 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bayrakeri (US 6904610) in view of Pietraszak (US 6904609).

Regarding claim 10, depending on claim 9, Bayrakeri does not further disclose "wherein the TV listings data set is one of a plurality of TV listings data sets and wherein the plurality of TV listings data sets are categorized by language."

Pietraszak discloses a method generating a custom program guide (using data from multiple providers [Abstract]) wherein EPG data is categorized by language ([col. 3, l. 12-23]).

It would have been obvious to one of ordinary skill to modify the EPG data of Bayrakeri to be categorized by language as taught by Pietraszak for the purpose of providing listings only in relevant languages in the custom program guide, thereby conserving memory ([col. 3, l. 12-24])

Regarding claim 17, depending on claim 16, does not further disclose "wherein the TV listings data module comprises" "a plurality of data sets organized by category."

Pietraszak discloses a method of generating a custom program guide (using data from multiple providers [Abstract]) wherein EPG data is categorized by language ([col. 3, l. 12-23]).

It would have been obvious to one of ordinary skill to modify the EPG data of Bayrakeri to be categorized by language as taught by Pietraszak for the purpose of providing listings only in relevant languages in the custom program guide, thereby conserving memory ([col. 3, l. 12-24])

Regarding claim 18, depending on claim 17, Bayrakeri in view of Pietraszak further discloses wherein the category comprises one of:

- regions, cable providers, and languages (languages [Pietraszak col. 3, l. 12-24])

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bayrakeri (US 6904610) in view of Beach (US 6728713).

Regarding claim 15, depending on claim 9, Bayrakeri further discloses:

- identifying a TV listings data set associated with the client (the custom program guide is filled in with the selected TV listings data [col. 2, l. 37-45], so the matching listings are identified); and

Bayrakeri does not further disclose "retrieving a schema for the TV listings data set, wherein the schema can be used to correlate the format string and the TV listings data set."

Beach discloses that database schema may be used to perform introspection on a database, thus allowing the database to change its schema without modifying client software ([col. 5, l. 52-61]).

It would have been obvious to one of ordinary skill in the art to apply Beach's teaching to the client-server program guide of Bayrakeri so that format strings are compared with the database schema in order to correlate the format string and the listings data, thus allowing the server to change the schema of stored program guide listings data without having to update the client software on the set top terminals.

8. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bayrakeri (US 6904610) in view of Ellis (US 6898762), further in view of Beach (US 6728713).

Regarding claim 22, depending on claim 21, Bayrakeri in view of Ellis further discloses wherein the TV listings data module comprises:

- a plurality of data sets (TV listings for custom program guides [Bayrakeri col. 2, l. 19-33-44] contain a plurality of data sets e.g. channels 1-12 and channels 13-20 are different sets);

Bayrakeri in view of Ellis does not further disclose wherein the mapping module comprises "a plurality of schema for correlating the plurality of format strings with corresponding ones of the plurality of data sets."

Beach discloses that database schema may be used to perform introspection on a database, thus allowing the database to change its schema without modifying client software ([col. 5, l. 52-61]).

It would have been obvious to one of ordinary skill in the art to apply Beach's teaching to the client-server program guide of Bayrakeri in view of Ellis so that the mapping module compares format strings with the database schema in order to correlate the format string and the listings data, thus allowing the server to change the schema of stored program guide listings data without having to update the client software on the set top terminals.

Further, because program guide data may originate from several data sources ([Ellis col. 1, l. 50-53]), it would have been obvious for the mapping module to contain a plurality of schema, for the purpose of having a schema for each set of data originating from a different source.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bennett Ingvaldstad whose telephone number is (571)270-3431. The examiner can normally be reached on M-Th 8-6:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BI

A handwritten signature in black ink, appearing to read 'Vivek Srivastava', is written over a horizontal line.

VIVEK SRIVASTAVA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600